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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,759	07/31/2000	Chi M. Cheung	INTL-0427-US (P9133)	4801
7590	12/30/2003		EXAMINER	
Timothy N Trop Trop Pruner & Hu PC Ste 100 8554 Katy Freeway Houston, TX 77024			CARTER, AARON W	
			ART UNIT	PAPER NUMBER
			2625	
			DATE MAILED: 12/30/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/628,759	CHEUNG, CHI M.
	Examiner	Art Unit
	Aaron W Carter	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 August 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-21 and 23-26 is/are rejected.

7) Claim(s) 22 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 July 2000 is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) All    b) Some \*    c) None of:

        1. Certified copies of the priority documents have been received.

        2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

        3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    \* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is responsive to papers filed on August 11, 2003.

### ***Response to Arguments***

2. Applicant's arguments, see Reconsideration (Paper #3), pages 2 and 3, filed August 11, 2003, with respect to the rejection(s) of claim(s) 1, 3, 4, 9, 17 and 23 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent 6,091,777 to Guetz et al. ("Guetz"), please refer to rejections below.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-9, 11-17, 19-21, 23 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,091,777 to Guetz et al. ("Guetz").

As to claims 1 and 9, Guetz discloses a method comprising:

Detecting motion within an imaged scene (column 6, lines 25-27);

Capturing a digital representation of said scene in an imaging device (column 10, lines 50-52);

Encoding information in said digital representation to indicate whether motion was detected (column 9, lines 40-42, wherein only data with detected motion is encoded and transmitted over the bus);

Transmitting said digital representation from said imaging device to a processor-based system over a bus (Fig. 13 and column 5, lines 37-44).

As to claims 3 and 11, Guetz discloses the method of claim 1, wherein capturing includes capturing image data representing said scene and wherein encoding information in said digital representation includes encoding information in place of image data (column 9, lines 40-42, wherein only data with detected motion is encoded and transmitted over the bus, therefore data with detected motion is encoded in place of the image data as a whole).

As to claims 4 and 12, Guetz discloses the method of claim 3, including replacing intensity information in said digital representation with said motion information (column 9, lines 40-42, wherein only data with detected motion is encoded and transmitted over the bus, therefore data with detected motion is encoded in place of the intensity information of the entire digital representation).

As to claim 5, Guetz discloses the method of claim 4, including providing a bit in said digital representation to indicate whether motion was detected (column 13, lines 32-40 and

column 17, lines 32-35, wherein motion data may be represented by a bit after Huffman encoding).

As to claims 6 and 14, Guetz discloses the method of claim 1, including decoding said digital representation and determining whether motion was detected (column 18, lines 17-27 and Fig. 12, wherein motion data is determined).

As to claims 7 and 15, Guetz discloses the method of claim 6, including controlling the storage of said digital representation on the processor-based system based on whether motion was detected (column 18, lines 28-45, wherein when a series of frames contains no motion, one frame representing that series is stored, when motion is detected the image is encoded and subsequently stored on a PC).

As to claim 8 and 16, Guetz discloses the method of claim 1, wherein encoding information in said digital representation includes forming a plurality of packets containing image data and replacing image data in one of said packets with information about whether motion was detected (column 13, lines 32-40).

As to claims 17 and 23, please refer to rejections made above for claims 1 and 8.

As to claims 19, Guetz discloses discloses the device of claim 17, including a processor-based device coupled to the bus, said motion detector serial bus interface and image element also coupled to said bus (Fig. 13).

As to claim 20, Guetz discloses wherein serial bus interface forms said image data into packets including both a payload and a header (column 13, lines 38-40, wherein it is inherent that packets being sent out on a network must contain a payload and header).

As to claim 21, Guetz discloses including intensity information in said packets, said intensity information having a least significant bit (column 17, lines 27-35, wherein YUV are intensity information and it is inherent that the digital data is structured into an allotted number of bits of which there will always be a least significant).

As to claim 25, please refer to rejections made for claim 8 above.

As to claim 26, please refer to rejections made for claims 5 and 8 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 2, 10, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guetz as applied to claims 1, 9, 17 and 23 above, and further in view of US Patent 6,125,455 to Yeo.

As to claims 2, 10, 18 and 24, Guetz discloses the method, article, device and system of claims 1, 9, 17 and 23, and further discloses transmitting the digital representation over a bus (Fig. 13), but neglects to explicitly disclose transmitting is done over a USB. However, Yeo teaches the advantages of transmitting data over a USB in column 1, line 60 – column 2, line 7. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to transmit the digital representation, as disclosed by Guetz, over a Universal Serial Bus has taught by Yeo, this providing the advantage of rapid data transmission rate as well as simplicity and convenience of attaching and detaching peripheral devices to a computer.

#### *Allowable Subject Matter*

7. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,166,729 to Acosta et al. discloses a method of motion detection.

US Patent 6,269,484 to Simsic et al. discloses a method of motion detection.

***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W. Carter whose telephone number is 703.306.4060. The examiner can normally be reached by telephone between 8am - 4:30pm (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703.308.5246. The fax phone number for the organization where the application or proceeding is assigned is 703.872.9306 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

Aaron W. Carter  
Examiner  
Art Unit 2625

*AWC*  
awc  
December 21, 2003

*J. (PKM)*  
Jayanti K. Patel  
Primary Examiner